## PLAINTIFF'S TRIAL BRIEF

Plaintiff Ronald Jordan, appearing pro se, files his Trial Brief.

## I. Factual Background

Defendant.

BRIAN D. HALL.

Plaintiff, a prisoner in the Missouri Department of Corrections (MDOC), is currently incarcerated at the Potosi Correctional Center (PCC). Plaintiff has brought this action under 42 U.S.C. § 1983 seeking monetary and declaratory relief for violations of his rights under the United States Constitution. Plaintiff has alleged that his federal constitutional rights were violated by Defendant Hall.

Specifically, Plaintiff maintains that Defendant Hall retaliated against him when: (1) in August 2011, Defendant Hall singled out Plaintiff for a pat search and subsequently issued Plaintiff a false conduct violation for Theft and Contraband; (2) in November 2011, Defendant Hall went out of his way to single Plaintiff out for a cell search wherein he trashed the cell and improperly confiscated and destroyed Plaintiff's personal property; (3) in March 2012, Defendant Hall singled Plaintiff out for a cell search and trashed it; (4) in July 2012, Defendant Hall singled out Plaintiff for a cell search wherein dangerous contraband was allegedly found. There is no dispute the searches occurred. The dispute is only whether the searches were, in manner, in

retaliation for Plaintiff's filing of numerous internal grievances against Defendant Hall.

#### II. Factual Issues

The primary factual issue is whether the acts of issuing Plaintiff a false disciplinary charge, trashing Plaintiff's cell on more than one occasion, improperly confiscating and destroying Plaintiff's personal property, conducting an unnecessary cell search during which dangerous contraband was allegedly found, were retaliatory. That the aforesaid acts were improperly performed and inconsistent or outside the guidelines set by the MDOC, serves to belie any notion of legitimacy and good faith.

## III. Legal Issues

The primary legal issues will be whether Defendant Hall violated Plaintiff's First Amendment right to file grievances using the prison's established procedures by retaliating against Plaintiff when Plaintiff filed numerous grievances against Defendant Hall. The questions will be whether Plaintiff engaged in a protected activity; whether Defendant Hall took adverse action against Plaintiff that would chill a person of ordinary firmness from continuing the activity; and whether the adverse action was motivated at least in part by the exercise of the protected activity. Spencer v. Jackson County Mo., 738 F.3d 907, 911 (8th Cir. 2013).

Respectfully submitted,

RONALD JORDAN, Plaintif

Reg. No. 158420

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# CERTIFICATE OF SERVICE

The undersigned hereby certify that a true and correct copy of the foregoing was mailed, postage prepaid, this  $\frac{\int S^+}{\int S^+}$  day of June, 2015, to:

Katherine S. Walsh Assistant Attorney General Old Post Office Building P.O. Box 861 St. Louis, MO. 63188

(ATTORNEY FOR DEFENDANTS)

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